

REMARKS

Reconsideration and withdrawal of the rejections of and objections to the claims set forth in the Final Official Action of January 21, 2004, are respectfully requested in view of the following remarks.

Claims 1 and 12 have been amended. Support for the amendments can be found throughout the specification and claims as originally filed and there is no new matter added as a consequence of the amendments.

Status of the Claims

Claims 1-19 are pending.

Claims 14-19 have been withdrawn.

Claims 1-13 are under consideration.

Claims 1-13 are rejected under 35 U.S.C. § 103.

Rejection under 35 U.S.C. § 103(a)

The Examiner maintains that claims 1-13 are unpatentable over Ahluwalia (US Patent No. 5,965,257) in view of GB 2167060 (GB '060) or Dombeck (US Patent No. 6,228,497) or Dugan et al. (US Patent No. 4,994,317) under 35 U.S.C. § 103(a). As indicated in the Final Office Action, the Examiner maintains that it would have been obvious to one of skill in the art to use the clay filler of GB '060, Dombeck or Dugan et al. in the structural article of Ahluwahlia, when motivated by the desire to increase the flame and heat resistance of the article. The Examiner further maintains that the amounts of glass fibers, clay filler, and binder material in the composition are result effective variables, which may be optimized if motivated by the desire to obtain an article with increased strength and flame resistance.

Without conceding the correctness of the Examiner's rejections, Applicants have amended claims 1 and 12 to recite a fire resistant fabric material that is drapable, and support can be found at, e.g., page 19, para. 43 and page 13, para. 28. Drapability is a distinguishing physical characteristic of the fire resistant fabric material recited in amended claims 1 and 12. The verb, drape, is defined as "to cover or adorn with or as if with folds of cloth," or "to cause to hang or stretch out loosely or carelessly," or "to arrange in flowing lines or folds" (Merriam-Webster Online Dictionary at www.m-w.com, 2004). The fire resistant fabric material of the present invention is flexible, pliable and exhibits excellent drapability characteristics.

In contrast, Ahluwahlia's structural article is "rigid in nature" and only "flexible enough to be rolled up." (Ahluwahlia, col. 6, lines 32-33). Ahluwahlia's structural article cannot hang loosely or form folds. Ahluwalia fails to provide any motivation to the skilled artisan to modify the structural article to incorporate drapability characteristics. Ahluwalia also fails to motivate one of skill in the art to combine Ahluwalia with a drapable fabric patent, e.g., Dugan, the only cited secondary reference that is a drapable fabric. Therefore, Applicants respectfully submit that the cited art does not render the subject matter recited in amended claims 1 and 12 obvious.

In addition, Applicants submit that claims 2-11 and 13 depend from allowable claims 1 and 12, respectively, and therefore, are also allowable.

For the foregoing reasons, Applicants submit that claims 1-13 are patentable under 35 U.S.C. § 103(a), and request the withdrawal of the rejection.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests withdrawal of the rejections and allowance of the pending claims. Applicant does not believe that any fee, other than an extension of time fee, is required in connection with this submission. However, should

any other fee be required, the Commissioner is hereby authorized to charge any such fee to
Deposit Account 02-4377.

Respectfully submitted,
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